MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL

NOVEMBER 16, 1999

A meeting of the Fayetteville City Council was held on November 16, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Present: Mayor Hanna; Aldermen Reynolds, Austin, Davis, Trumbo, Daniel, Santos, Russell, and Young; City Attorney Rose; City Clerk Woodruff; Administrative Services Director John Maguire; Public Works Director Charles Venable; City Planner Tim Conklin; Staff; Press; and Audience.

CONSENT AGENDA

APPROVAL OF THE MINUTES
Approval of the minutes of the November 2, 1999 City Council meeting.

SWIMMING POOL PAINT SETTLEMENT
A resolution approving an offer by Wilks Construction in the amount of $5,000 in lieu of painting the Wilson Park Swimming Pool. This will be the final settlement in their contract with the City.
RESOLUTION 144-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LAKE SEQUOYAH BOAT DOCK
A resolution awarding a contract to Frank Thorpe for the management of Lake Sequoyah Boat Dock.
RESOLUTION 145-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

MULTI-USE TRAILS
A resolution authorizing the Mayor to execute an Agreement of Understanding with the Arkansas State Highway and Transportation Department for the implementation of Fayetteville Multi-Use Trails as Federal-Aid Transportation Enhancement Project in the amount of $600,000. This agreement supersedes the agreements signed previously for the use of these funds. The City is required to furnish a 20 percent match or $150,000, making total funds available of $750,000. Approval of a budget adjustment establishing the project is also required.
RESOLUTION 146-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Daniel moved to approve the Consent Agenda. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

OLD BUSINESS

RZ 99-28
An ordinance approving rezoning request RZ 99-28.00 submitted by Michele Harrington on behalf of William M. Weatherford and Larry and Brenda Swain for property located at 2200 and 2201 W. Deane Street. The property is zoned R-1, Low Density Residential and contains approximately 11.64 acres. The request is to rezone the property to R-2, Medium Density Residential. This item was left on the second reading at the October 19, 1999 City Council meeting.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna stated the ordinance was on the third reading. He noted there had been a neighborhood meeting at Asbell School last Thursday. He added the City had received a Bill of Assurance from the developers limiting their development to what they originally told them they would do. Mr. Richard Maynard made the statement that he would not address the issue tonight, unless the partitioners addressed the issue, then he reserved the right to speak. He asked the council if they needed to discuss the issue further or if they were ready to vote on the issue.

Alderman Daniel stated the neighborhood meeting had been very good. She stated that she could not support the rezoning. She represented them. She had lived on the street for several years. She had bought a home on Deane Street. She felt it was still her neighborhood. There were still some property owners in the neighborhood. It was a neighborhood in transition. There were a lot of apartments and duplexes in the area; however, there were property owners who wanted to maintain their property and property values. Even though the City had strict ordinances she thought there might be problems with drainage. Deane Street was getting very busy and she felt the traffic was increasing. She would like to see less dense and high quality development.

Alderman Austin stated the Planning Staff and the Planning Commission had approved the rezoning. The projections indicated there was a need for more in the future. He thought it was a good plan. The streets were ready to handle more traffic than what this project would generate. There was a need for densifying inside the beltway. However, there were several reasons to vote against it. The sewer capacity and the traffic on Sang Avenue would be greater, because there is a light on Wedington Drive. The environment of family atmosphere would be disrupted. There was no traffic light on Deane and Porter Road. There might be late night noises for the neighbors. He thought it was the right time for the project, but the wrong place. He would oppose the rezoning.

Alderman Santos stated he was very sympathetic to the neighbors, but he thought the City had agreed on a policy for the future development of Fayetteville. They had planned to encourage higher density inside the bypass, along transit lines, and near schools and universities. They were going to preserve hillsides, wooded areas and vista views. He thought this was the kind of project that followed all of those goals that they had professed to endorse, except when it came to applying them to real life, which meant that no matter where they tried to place a development of this type of density they were going to get this sort of complaints. This parcel was surrounded by multi-family dwellings on the east, with duplexes and apartments to the west. The property owner on the south supported this rezoning. The property owner on the north was the University Farms. He could see how they could say they had these goals of increasing the density inside the City limits and preserving hillsides and all those noble goals without causing some inconvenience to the most immediate neighbors. In this case most of the neighbors were in multi-family units. He thought they needed to either follow or change their goals. He asked whether the Council wanted to encourage sprawl and the planning principles or not.

Alderman Young stated he would take exception to the views of Alderman Santos. They all embraced the ideas increasing density. Everyone was looking to the land use plan and pointing out one aspect of increasing density. It was how they did it. It was not by rezoning into a higher density. The whole idea of infill was that they were to infill that particular lot. They would increase the density of the area but not by rezoning. If they increased the zoning, that was in conflict with other parts of the plan, affecting compatibility. He looked at the Grey Apartments; at the time they were constructed, the apartments would not be built, because the regulations had been put into affect by the citizens of Fayetteville. He was going to oppose this development. He did not believe these apartments would be compatible with the surrounding area.

Alderman Russell stated if they did need student housing and did not allow them to be developed in areas like this, then they would be pushed out toward the edges of town and would increase sprawl. The people of Fayetteville were going to be the ones to pay the price of that. He thought if this was in his backyard he would be arguing against the rezoning because of property values. The right of the property owner argument did not weigh well with him because he thought the property had been zoned R-1 for a long time. Perhaps the property owners could not get the money they wanted for their property and were forced to sell it within the current zones. Another reason to vote against the rezoning was that they had not, to his knowledge, had anyone from the University state that this supported the University's goals. He thought in the future they would need more student housing, but he did not believe the need was there now. He would be opposing the rezoning.

Mayor Hanna called for the vote. Upon roll call the ordinance failed by a vote of 1-7-0, Alderman Santos voting for the rezoning.

ORDINANCE FAILED BY VOTE OF 1-7-0.

RZ 99-29
An ordinance approving rezoning request RZ 99-29.00 to rezone approximately 1.0 acres of land located along Sycamore Street from R-1, Low Density Residential, to R-1.5, Moderate Density Residential, to allow the development of an upper-scale six unit residential Planned Unit Development. The ordinance was left on the second reading at the November 2, 1999 City Council meeting.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna stated there had been a neighborhood meeting last week. He asked if anyone had any new information that had not been discussed in a public meeting. He would be glad to hear it.

Ms. Loreen LaTune, 1833 Woodland, expressed concern about the school and drainage. She stated Mr. Ferguson planned to construct holding ponds to control the drainage. She expressed concern about the ponds.

Mayor Hanna replied a partial answer to her question was that those issues would be addressed at the Planning Commission level.

Mr. Tim Conklin explained when the developer submitted their plan, they would be required to do a drainage study which would be reviewed by the City's engineering division. The issue of how they would handle stormwater run off would be addressed during that development review process and by the Planning Commission. He explained it was a multi-step process. The first step was the City staff would review the development plan. They would look at code compliance. The next meeting would be with the utility companies, and then with the Subdivision Committee, a subcommittee of the Planning Commission. The Subdivision Committee would be a public hearing on the development. The public would be invited to come to the meeting and provide information on how the development would impact their property. From there the Subdivision Committee would make a recommendation to the full Planning Commission.

Mayor Hanna added if they would not be allowed to proceed with their project if they were not able to handle the drainage.

Ms. Kathryn Parker, an area resident, asked if the developer would only construct four units if the rezoning were not approved.

Alderman Russell replied that at the last meeting Mr. Ferguson has stated he did not believe his firm would be interested in that.

Tim Sweethall, 1847 Woodland Avenue, asked what the benefits were to changing the density.

Mayor Hanna replied Mr. Santos had stated it very well with the last rezoning. The City's infill plan was to use the property inside the core part of the City that already had the streets and utilities available rather than have people go to the outskirts of town where they had to construct more streets and run utilities. That was one benefit. Another benefit was that if they built units like this in town they paid property taxes which went almost totally to the schools.

Mr. Sweethall stated no economic or social impact analysis had been done. They did not have any hard data to show that they could even sell the units or for what price the units would sell. He did not believe that creating higher density was the only way to combat sprawl.

Mayor Hanna stated the developer did not have to show that they could sell the property.

Mr. Sweethall questioned what data was there to support the need to change the current law. They were not opposed to development or business. What they were opposed to was changing some existing zoning law that had this land designated as low density.

Mr. Nate Allen, an area resident, expressed concern about the loss of trees. He did not believe the developer had proved that the change could benefit the neighborhood.

Mr. Steve Davis stated he had been the property owner for thirteen years. He had been a resident of Ward 2 for forty-eight years. He thought the change would benefit the closest neighbors the most. Overall it was a nice neighborhood, but there were some homes that could use some improvement. He thought with a nice development the others would be encouraged to improve their own property. The proposed use was by far the best and most upscale development that had come before him in the thirteen years he had owned the property. He added it would also cause a financial hardship on his family. When he bought the property it was in really bad shape with a rundown house and trailer loads of junk in the yard. It had been a safety hazard in the condition it was in. The neighborhood itself was a mixture of different homes. Only three of the ten homes closest to the property were owner-occupied. The proposed condominium development would increase the percentage of owner-occupied homes from 30% to over 56 % and there would be no increase in apartment dwellers or other rental units to the neighborhood. The development would provide a good transition from the R-O to the east and the P-1 zoning to the north and south, the R-1.5 zoning to the west, and the current R-1 homes to the northwest.

Ms. LaTune reiterated that the drainage and the sewer system was a problem. She asked them to consider the expense to the City.

Mr. Francis Ferguson stated the proposal was for six units, which was basically two triplexes. Each unit would be sold separately. The units that they would construct would be as good or better than what was there. They would also be separating commercial property from residential.

Mr. Tim Sweethall stated the Council was under no obligation to change existing law to support speculation.

Alderman Daniel stated this rezoning reminded him of the last rezoning in Ward Four. This was one acre as opposed to eleven and half acres. She added she would be glad to have a development of this quality in Ward Four. Another factor in her supporting this rezoning was that the adjoining property owner was in support of this rezoning and felt that it would increase their property values. These were upscale dwellings. She would have to support this rezoning.

Alderman Russell stated he represented this neighborhood. He personally did not have any strong feelings one way or the other as to the affect six units rather than four units would have on the neighborhood. He thought if he was one of the neighbors he would not have a problem with this, provided they went through the Large Scale Development Process. On issues like this he tended to go with what his constituents wanted him to do. He had heard from two people in the neighborhood who supported this development. There were many more neighbors against this rezoning. The thing that would make him vote in favor of this was if the property owner was precluded from selling his property at a reasonable price or if anyone was precluded from doing development on the property at the current zone. He did not want to keep the property owner from selling his property. He encouraged Mr. Davis to make a good faith effort to sell his property in the current zone. The burden should be on the property owner to convince the neighbors that this was a good development. He thought there had been a lack of communication during this project. A lot of the neighbors did not know what the project was about. The neighborhood was so against this that, as their representative, he would have to vote against this.

Alderman Austin stated he had looked at the number and he noted there would two to six additional cars on the street with four to eight additional people with the rezoning. He did not believe that was enough to turn down the request.

Alderman Davis stated that with a condominium there would be a property owners association that managed it. From his experience, usually the maintenance was superior to others in the community. There was a national trend where both young and old were buying condos because they wanted to have less maintenance to do. He thought the development looked good. He did not see a lot of difference between six units versus four. If someone wanted to come to his neighborhood and put this in he would be supportive. He would be voting for the rezoning.

Mayor Hanna called for the vote. Upon roll call the ordinance passed by a vote of 5-2-1, Aldermen Russell and Reynolds voting nay. Alderman Young abstained from the vote because he works for the engineering firm involved with this item.
ORDINANCE 4201 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

RZ 99-31
An ordinance approving rezoning request RZ 99-31.00 submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Bleaux Barnes for property located south of Appleby Road and east of Appleby Apartments. The property is zoned A-1, Agricultural and contains approximately 8.37 acres. The request is to rezone the property to R-1, Low Density Residential.

Mr. Rose read the ordinance for the first time.

Alderman Daniel stated she had not heard any objects to the rezoning.

There was no public comment.

Alderman Davis moved to suspend the rules and move to the second reading. Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the second time.

Alderman Austin moved to suspend the rules and move to the third and final reading. Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the third and final time.

Alderman Russell asked how many units were planned for the area.

Mr. Jorgensen stated they were planning eighteen single family homes.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously, 8-0-0.

ORDINANCE 4202 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

AD 99-25
A resolution approving an amendment to the Master Street Plan as submitted by Dave Jorgensen in request AD 99-25. The request is to remove a proposed minor arterial street from the Master Street Plan. The proposed street is located north of Howard Nickel Road and west of Highway 112.

Alderman Davis stated the Street Committee and the Planning Commission had approved the amendment.

Alderman Daniel moved to approve the resolution. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

RESOLUTION 147-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SYCAMORE CONDEMNATION

An ordinance authorizing the City Attorney to seek possession of certain land located along Sycamore Street in the City of Fayetteville, Arkansas by the power of Eminent Domain, in association with the required right-of-way and easements for the Sycamore Street Improvements at Leverett Avenue. Such property is owned by Charles G. Palmer Trust, the Linda J. Palmer Trust, the Ralph Freeman Trust, and the Arlie Freeman Trust.

Mr. Rose read the ordinance for the first time.

Alderman Davis moved to suspend the rules and move to the second reading. Alderman Russell seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the second time.

Alderman Daniel moved to suspend the rules and move to the third and final reading. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously, 8-0-0.

ORDINANCE 4203 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

WASHINGTON SCHOOL GYM

A resolution authorizing the City's contribution for the construction of a gymnasium at Washington Elementary School and approval of a budget adjustment funding the contribution.

Alderman Daniel asked the staff to go over the funding.

Mr. Steve Davis, Budget and Research Coordinator, explained the request was for $92,529.00 more than they had in the budget for this project. The additional $92,000 could be found by reducing the Park Maintenance Complex Project funding by $92,529. The rest of the projects listed on the budget adjustment were simply moving the $225,000 in the Parks Development Fund for the Washington School Gym. They were transferring all of the money over into the Sales Tax Capital Improvement Fund and had identified a like number of projects in Parks to transfer from the Sales Tax Capital Improvement Fund over into Park Development Fund. The one project that was losing money was the Parks Maintenance Complex. It was losing $92,529. No other project was losing any funding.

Alderman Russell moved to approve the resolution. Alderman Daniel seconded the motion.

Mr. Steve Frankenberger, Wilson Park Neighborhood Association, read a letter adopting a resolution supporting a brick face gym.

Ms. Anne Littell, an area resident, asked if the plan was to have a brick gymnasium or to have a metal gym.

Alderman Trumbo explained it was a compromise. It was not a full brick building. It was a 50/50 share. If they started matching more money than the school the City would start running into some legal problems.

Ms. Littell read a letter from Friends from Fayetteville requesting the Council and School Board to support a brick gym.

Mr. Jeff Erf, an area resident, questioned why the school district was not paying the entire amount and why the City felt the need to contribute to the gym.

Alderman Daniel replied the schools never had enough money to do what they wanted to do.

Alderman Trumbo explained our after-school programs were very important to working parents.

Mayor Hanna explained the playgrounds at the schools were considered public parks after the schools were closed. The gymnasium idea came along as a neighborhood community place to play basketball. Most of the school gyms were available for reservation. The neighbors could use them when they were available. Therefore they were considered part of the Fayetteville Public Park system. That was the reason the City could justify paying half the cost of the gym.

Alderman Russell stated it was his understanding that the school was paying slightly more than the City. The school had committed $342,000. The City's commitment was $317,000.

Mr. Moorland Blackwell, an architect and professor at the School of Architecture, read a letter supporting a brick gym stressing the need for a quality building.

Ms. Julia Abram, an area resident and an architect, stated she had mixed feelings. She asked them to look at different options and not to let the project drag on for three more years.

Mr. Dan Coody, an area resident, stated he hated to see the deterioration of the neighborhood continue. He thought a metal building would be inappropriate. The houses in the area had been fixed up really nicely and it would be a shame to detract from that.

Mr. Rick Alexander, an area resident, stated his son was a student at the school. Over the last ten years there had been a lot of renovation in the downtown area. He thought approximately 50% of the property in the downtown area had been renovated. He had been part of that. There should be a gym at the school. The issue was whether or not to have a brick facade. In all the renovations in the downtown area, not one metal building had been a part of it. In the historic area, a metal building would be inappropriate. Sometimes it costs more to do the right thing, but it was what made the City a great place to live. He urged the City not to be the first to put a metal building in the historic district.

Mr. Roy Karr, School Superintendent, stated if he had the money he would build exactly what the patrons would like to have. He had to deal with reality. The fact was they had to get a place for the kids to have PE and to go during the winter time. Currently the kids had to go to the cafeteria. They had a budget and they had to follow the budget. It was his recommendation to the school board that this was all that they could afford. It was more important to him to have the kids in a good building where they could have good programs. In reality the money was not there from the school's point of view. There were two major projects which had to be finished in the middle schools. His recommendation to the School Board would be that they did not have the funds to keep adding to this project. They needed to go with what they could afford. They were going to have to borrow approximately $42,000 from one of those projects that they already started. In reality they could not build what everyone wanted.

Alderman Daniel questioned if the Council voted to fund this request, what percentage of brick would there be compared to metal.

Mr. Karr replied it was his understanding that there would be six feet of brick on the corners and four feet of brick around the sides, the back and the front. The rest of the building would be metal. The walls of the building was approximately fifteen feet.

Alderman Young asked if the School Board could come up with approximately $40,000 to put up all brick.

Mr. Karr stated it was his recommendation that if they funded the $660,000 project, partial brick, they were going to have to borrow $42,000 from another project that they had going now. If the City Council looked at funding an all brick project ($741,826.00), they were both going to have to come up with $133,413.00 to go with what they had already budgeted. Their money was so tight now with trying to finish the middle schools. He was not speaking for the School Board. The School Board would react to what the Council agreed to do tonight on Thursday night. He did not know what they were going to do, but he knew what he was going to recommend.

Ms. Judith Levine, an area resident, stated she could not believe they were considering building a 20-year building rather than a 100-year building. She added there had been no fund-raising for the project. They had had no opportunity to fund-raise.

Alderman Daniel stated the School Board or the PTO would be more appropriate to do fund-raising.

Mayor Hanna stated they had started out with a participation of $225,000, which was what they had put in on the last two gyms they had built. They did not run the school system. What the City was trying to do was to find the funds to match what the school had asked to do. The concerns she was expressing should be expressed to the School Board and not the Council.

Mr. Karr did not believe it would be a problem to do a fund-raiser. Their problem was they had to act by December 1, 1999 for this price. After that date they would have to go back to the drawing board. The PTO took on fund-raisers themselves.

Mayor Hanna added what they were trying to decide was whether or not to match the school's funds to do a higher priced building than what they had normally done. They needed to be careful using City funds. They were using these funds as park funds. If they were putting more money into this than the school system, he did not know if the taxpayers or the court system would agree with them.

Alderman Santos suggested tabling the item to see if they could raise additional money. He was not willing to contribute additional money to an inferior building. He was going to vote against the inferior building.

Mr. Steve Frankenburger asked if the City could appropriate the money then allow them to pressure the School Board. There was money for the things they valued. There was money for the things that were important.

Alderman Russell withdrew his motion to approve the resolution.

Alderman Russell stated he was not interested in appropriating money to an inferior building. He thought they might as well build an all metal building if they were only going to get partial brick. The principal was that they wanted a long lasting building that was compatible with the neighborhood. He was willing to appropriate the additional money provided it was legal for them to do so and if the funds were available. He could understand Mr. Karr's position, but if he was on the School Board, he thought he would wait and put the gym off a couple of years. He understood the children needed a gym.

Alderman Trumbo asked where the additional money would come from.

Mr. Venable replied it would come from the Parks Department budget and they would have to eliminate some of the programs they had scheduled. In fact they had already done that with the $92,000.

Alderman Daniel noted they had heard a lot from the public about how much they were behind with their park maintenance.

Alderman Santos stated the school had gotten by for seventy years without a gym and he did not see why they could not wait a few more years until they could afford to do the project right. The City would have more money next year. It might be a year or two delay, but it would be worth it by getting a building that would last a hundred years.

Alderman Santos moved to table the item. Alderman Trumbo seconded the motion. Mr.

Rick Alexander stated it was time this school had a gym. He asked that this project not be put on the back burner. The community would not be happy if they had no gym for another seventy years. A lot of taxes were raised in this part of town. There was a lot of school money raised in the downtown area. It was not appropriate that this school go without a gym. His son would not enjoy the gym, but other children would.

Ms. Judith Levine asked them to table the item until December 1 to see if they could do some fund-raising.

Mayor Hanna stated they could call a special meeting if they needed to.

Alderman Austin stated the Council was asked to contribute extra money to meet the standards the community had set. He thought this was an inappropriate place to discuss it. He did not believe they should discuss raising money for the schools. He was uncomfortable in postponing the decision. He questioned raising the standard of this facility above the other community gyms. He did not have a problem with the school board doing that, but he had a problem with the City doing that. There were a lot of people out there coming to the City for money and a lot of that money was coming from the Parks Department.

Alderman Daniel asked if there was a certain percentage of time the City had to use the facility.

Mr. Rose replied he did not know of any set formula. The principle they were trying to do was to contribute money to the schools. They were trying to get some city use out of a building that the City was going to use part of the time and the school was going to use part of the time. The City used it for a very legitimate public park purpose. They did not need the school to construct the building. It just worked out nicely because the school did not need the building 24 hours a day. The partnership had worked very well over the years.

Upon roll call the motion to table the item carried unanimously, 8-0-0.

BOTANICAL GARDEN
A resolution approving $15,000 matching funds for an Arkansas Department of Parks and Tourism Grant to support the Botanical Garden Society of the Ozarks, Inc.

Alderman Trumbo stated he had brought this item forward at the request of Donna Porter. The organization had had three fund-raisers per year. There were some pros and cons on regarding where the money was coming from.

Mr. Maguire stated it was his understanding that five thousand would come from the A&P Commission and the rest would come from the Parks Department.

Alderman Trumbo stated they had done a lot of work on the garden. The City had a land lease with this group to develop the botanical garden. They were in the process of creating the Master Facility Plan that was going to cost approximately $130,000 to complete. This $30,000 would go toward the Master Facility Plan. He had spoken with the State Department which handled the grant. They had told them there were no strings attached. The municipality had to match the funds. The money had to go toward the facility plan. They had done this for the public library. They did not know if the bond issue was going to pass for the library. He thought this would be a nice amenity for the City.

Alderman Daniel thought the botanical garden had wonderful potential for the City. She thought this was well worth the opportunity and that it may not come along again. This type of planning was essential to get the project off to a good start. This was a grass roots effort and they needed some financial help. The City had leased them the property, but they had not given them any cash.

Alderman Trumbo stated they had held a number of fund-raisers. He thought this would be money well spent. They were not going to get people to donate for a botanical garden unless they could see that someone had planned for it. They needed this document to sell the project.

Alderman Davis stated he liked the idea of a botanical garden, but he expressed a concern about the organization coming to the City over and over again asking for additional funds. He did not believe that was something they wanted to do. This was a grant. He asked if the grant would have to be repaid if the project was not executed correctly.

Mr. Maguire stated it was his understanding that the City would advance all of the funds. The City would manage the funds and furnish proof of expenditures of the funds, then they would be reimbursed.

Alderman Trumbo stated the state agency he had spoken with today stated that as long as the $30,000 had a track history of being spent toward getting a master plan the money would not have to be repaid even if nothing materialized. The money had to be used for a master plan.

Alderman Davis stated the only way he would be in favor of this would be if the City only gave them $10,000 and they could use the $5,000 the A&P had given them.

Alderman Russell questioned the money from the A&P. He noted the A&P Commission could not apply for the grant.

Mr. Maguire stated the City would have to apply for this.

Alderman Daniel stated she was on the A&P Commission and that was not her understanding. They had requested $20,000. It was her understanding the money was for the botanical garden.

Ms. Donna Porter, Botanical Garden, stated they were talking about a multi-million dollar facility that would benefit all of northwest Arkansas. She could see the benefit these gardens would provide for the school systems and the economy. This grant had been placed in their lap. They had had no intention of asking the City for money, but this came up. It would benefit the City. They had been at this for seven years. It was not an easy job to raise millions of dollars for a facility. They had had faith and vision. There was other money out there and they were searching every avenue they could for funding. They were not looking for funding from any one source. They were trying to generate money. She asked them not to take the money the A&P had just given them. They were trying to raise a million dollars.

Alderman Trumbo stated they had done a lot of work in seven years and this plan was really vital to get to the next step, of getting people to really donate. They had to have a professionally done study before they could get some real dollars coming her way.

Ms. Porter stated one of the reasons that had motivated them to move forward on the Master Plan was that they had had a major corporation interested in the botanical garden. The study would provide projected cost estimates of each feature and all the different gardens, the fountain, and centers. With this document they could go out and sell the garden to corporations and private donors. They were starting from scratch. A lot of gardens were started from private estates that were turned into botanical gardens. The people doing the plan were top rate people. Good planning would result in a good product.

Alderman Davis questioned where they were going to find the rest of the money for study.

Ms. Porter replied they had other grants submitted and they would be contacting private donors. They would know by the end of the year if they were getting the additional monies.

Alderman Daniel stated she saw this as an investment. They did fund entities that were non-profit because it would be good for the community. She thought eventually it would bring in more money for the City. They needed more attractions to get people to come to their City and the botanical garden would be a big attraction.

Alderman Russell noted the City had appropriated money to First Night and other organizations that served a legitimate purpose. He had no problem with appropriating money to this project.

Alderman Daniel moved to approve the resolution. Alderman Santos seconded the motion.

Mr. Davis clarified that the grant application required that the City contract the people doing the study, and the payment had to be made to the contractor on City checks. They were not appropriating the money to the Botanical Gardens. They were appropriating the money to do a feasibility study for the Botanical Gardens that exists on leased land from the City. The contract would have to come back to the City Council for their approval.

Upon roll call the motion carried unanimously, 8-0-0.

RESOLUTION 148-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CITY OF CHARACTER

A resolution establishing the City of Fayetteville as a City of Character with the Internal Association of Character Cities.

Mayor Hanna stated he wanted to make some comments before they began their discussion. He had received several calls on this item. It was not his intention for this to cause a controversy in the City of Fayetteville. He had received Alderman Santos' letter about the program being partisan and sectarian. If they read the resolution they could not make that statement because it was neither. Another comment was that they were talking about Character First. Character First was the program that was initiated in 1996 by Governor Huckabee to put character training into public schools. They had this program in a number of schools around the state including

Fayetteville and Springdale. It was not his intention to have the City to be a part of the schools' character training. He did not want people to get the idea that they wanted to spend a lot of money. This was not a program. This was an idea to include the whole community. He had no objection to other members of the community bringing forth their ideas. He did have a problem with them switching from one character program to another because something had to be presented. He had no problem with the Council tabling the item or voting on it. He had no problem with appointing a committee. Many of the churches and leaders in the community wanted to get the character program into businesses and other organizations. They were wanting help with the civic clubs and any other clubs in Fayetteville and with any of the churches or religious organizations in Fayetteville. This was an outgrowth of the Mayor's Council for Stronger Families which they started four years ago. They were trying to bring the families together and to stop some of things like spousal abuse, juvenile delinquency, petty crime around the City and people that were not tolerant of their neighbors. This was a community effort. He did not envision the City spending any money on this whatsoever. If there were any monies to be spent it would have to be raised through private sources. What they wanted was for Fayetteville to be a "City of Character." This program was started in 1996 when the mayor of Baton Rouge asked how he could make his City a better place to live. His choice was to make Baton Rouge the first City of Character. Little Rock and Mountain Home were members of that program. This should not be controversial. If it was controversial, he thought they were starting it off without character.

Alderman Daniel stated the best thing they could do as members of the Council was to demonstrate good character themselves. She was not sure how affective this type of program would be. She thought they needed to open it up for discussion. We were a very diverse community. It was a very interesting exercise to see what people thought were good qualities.

Mayor Hanna did not believe the character traits they would put forward would apply to any one religion. He thought they would apply to everyone. Truthfulness was truthfulness; it did not matter what religion you were. It had been hard with this Council on Stronger Families. It had been very slow. He thought it had helped the community. If they made people aware, it helped. He thought it would look very bad for them to be mired down by an argument over whether or not we should be a City of Character.

Alderman Russell stated he had not heard of any objections to the City promoting good character traits. He was not sure that we needed to associate ourselves with any organization or to adopt any formal program. He thought they needed to look at all of the different organizations out there. They needed to take this seriously and open it up for public discussion. They might want to just borrow some principles from all of them.

Mayor Hanna stated he would like to see them pass the resolution and form a committee to pick the words they were going to use. What he would like to see happen would be to put the program into affect in the City of Fayetteville. It was particularly important to the people who met the public. What they would have would be division heads to make a brief statement about character qualities during staff meetings. He did not think they were out of line to promote character qualities within their organization. He hoped other organizations would pick it up. They were not talking about spending any money. He thought if any materials were needed they would be donated.

Alderman Austin stated that he admired Mayor Hanna for taking his position. He knew something about the proposed program. It was a good program. It was not all inclusive. It was a good program and because he looked up to the Mayor, as he did the Governor when he promoted a program, he looked up to them as leaders. He was in favor of endorsing the program.

Alderman Santos thought the program was very scary because its founder. He listed some of the problems associated with the organizer. He did not believe the City should be associated with this program. He thought they needed to look at other programs. They needed to have a committee to look at different organizations.

Mayor Hanna stated he did not know where Mr. Santos had gotten his information on the founder, but he did not believe it was correct. He was not pushing this man, but the resolution did not have anything to do with him.

Alderman Russell stated the resolution established Fayetteville as endorsing the program. He thought before they did that they needed to appoint a committee to look at different programs.

Alderman Russell moved to table the resolution until they appointed a committee to look at the issue further. Alderman Daniel seconded the motion. Upon roll call the motion failed by a vote of 4-4-0, Aldermen Davis, Trumbo, Reynolds, and Austin voting nay.

Alderman Young asked why they had to be associated with an organization.

Alderman Trumbo moved to amend the resolution to drop the phrase "International Association of Character Cities" which would make the resolution generic. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Alderman Young moved to strike all the mentions of "whereas" and to remove all the character words and to not capitalize the "City of Character." Alderman Santos seconded the motion. Upon roll call the motion failed by a vote of 4-5-0, Davis, Trumbo, Reynolds, Austin and Mayor Hanna voting nay.

Alderman Young questioned the use of the word "obedient." He questioned if there was a hidden agenda of the organization.

Mr. Lowell Grisham, an Episcopalian minister, stated he was disappointed that they had not considered other programs. He questioned the basic principles of Bill Gothard, the founder of the proposed program. He asked the City Council to vote against the resolution because it would align them with this association.

Alderman Trumbo stated he thought this would be something good for the community. He was not trying to align himself or the City with a particular individual.

Mayor Hanna stated he had gotten the idea from the U.S. Conference of Mayors for Stronger Families which had been sponsored by Mayor Goldsmith of Indianapolis. They had just taken out the "International Association of Character Cities" from the resolution. He had not read any of the information Mr. Grisham had quoted, but he believed there were two sides to every story. He thought it was their governor who had implemented this program in our schools. He thought the governor would have looked into it before doing so.

Alderman Austin stated he was not trying to convert anyone. He had been to several of Mr. Gothard's seminars and he had never heard any of the things being said about him. He did not believe in everything Mr. Gothard did but he did admire him for his own personal character. Mr. Gothard did not lead Mr. Austin's family and Mr. Austin did not follow Mr. Gothard, but as a Christian he followed the Lord.

Mr. Grisham suggested that the Council look at other programs. He did not trust the source of this program.

Alderman Trumbo stated they needed to keep religion out of this and keep it generic, using principles everyone thought were sound.

Ms. Judith Levine, an area resident, stated that she thought character building was a great idea. There were many programs which encouraged good character traits. There needed to be a true and nonpartisan way to teach character building. Fayetteville needed unifying programs. She thought there would be better programs out there.

Mr. Jacob Adler stated he supported character-building in the community. However, he could not support the program which was in the original resolution.

Ms. Ann Hanna stated she wanted to defend the City of Character program. She had met Bill Gothard and had seen his results. The Christian Law was based on the Judeo-Christian Law. The schools have used programs like this and it was changing the attitudes of the kids. The kids now had self-respect because they respect each other. They were not pushing one religion. The law of the land had been based on Biblical principles. It was our responsibility to teach our children how to be good citizens and to be responsible.

Ms. Bootsie Ackerman explained that she had agreed to help make Fayetteville a City of Character. She asked the City Council to put forward a resolution of some sort that stated to the community that the leadership of the City wished for the City to hold itself up as a City of Character in whatever form the program might take. She wanted to form a group of people to look at all the programs available that would work for Fayetteville. This should be a simple matter.

Alderman Santos did not see why they needed to pass a resolution tonight. He thought they needed to have a program and a solid resolution before the jumped into it.

Ms. Ackerman thought the City should put forth a resolution stating the City of Fayetteville supported becoming a City of Character but did not associate itself with any one organization.

Mr. Morgan Newmark, an area resident, noted there were a lot of divergent issues. He expressed concern about the founder of the City of Character. He did not know if the City needed to be affiliated with him. He thought there were enough churches and civic groups in this town to promote moral character. He did not see why the City needed to outwardly promote the issue. He noted the people who were promoting the resolution were the same people who were opposing the Human Dignity Resolution last year. That resolution was going to serve as a model for businesses and schools. He questioned why this was different than the last resolution. He questioned if it was appropriate for the government to be telling them words to think about and meditate on. It was not in the City Council's job description to promote moral character. He thought they should leave it alone and let the churches handle it. It was not appropriate for the government to do this.

Mr. Dan Coody, an area resident, suggested adding "compassion" to the list. He was sorry the discussion had been so controversial.

Mr. Jim Bemis, an area resident, stated Fayetteville's character was not broken so don't fix it. He volunteered to be on the committee.

Mr. Jim Canelli, an area resident, stated we had a good community already and we did not need this type of issue divide it.

Mr. Jeff Erf, an area resident, asked what the City was going to do to promote character.

Ms. Sheila Norris, an educator in Springdale, stated they implemented a character of the month in the Springdale schools. She also sat on the City Council in Lowell and they had looked at this program for their City. She was under the impression it would work very similar to the way the school program did. She thought this deserved another look because of the progress they had seen with the children in the school system, simply by teaching them character words. It had not been negative in the least.

Alderman Russell stated supported the concept of promoting character, but before they passed a resolution he thought they needed to take extensive public input at future Council meetings or they needed to form a committee that would take input on all of the possible programs and character traits, as well as determine more specific traits to add to the list.

Mayor Hanna stated this was just an idea. Fayetteville could come up with their own words and program by forming a committee.

Mayor Hanna called for the vote. Upon roll call the motion carried by a vote of 5-4-0, Daniel, Santos, Young and Russell voting nay, and Mayor Hanna breaking the tie vote.

RESOLUTION 149-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Meeting adjourned at 10:10 p.m.